

# **Standing Order of the United States District Court for the Southern District of Mississippi**

August 28, 1991

## **In the United States District Court for the Southern District of Mississippi**

### **STANDING LOCAL ORDER SOCIAL SECURITY CASES**

In proceedings for review of actions by the Secretary of Health and Human Services under Title 42 of the United States Code, the defendant Secretary shall cause an answer and a certified copy of the transcript of the record to be filed within 90 days after service of the complaint for review pursuant to Federal Rule of Civil Procedure 4. Within 30 days from the filing of the defendant's answer, the plaintiff shall serve and file an appropriate dispositive motion seeking reversal or remand of the Secretary's decision and a brief setting forth all errors and legal authorities which plaintiff contends entitle him to relief. Within 60 days from receipt of plaintiff's motion and brief by defendant's attorneys, defendant shall serve and file a brief in opposition. Within 15 days thereafter plaintiff may serve and file a rebuttal brief. The case shall be deemed submitted 30 days after the filing of the defendant's brief, without oral argument, unless otherwise directed by the court.

The plaintiff's brief shall contain the following items under separate headings and in the order here indicated:

- (a) A statement of the issues presented for review, set forth in separate numbered paragraphs.
- (b) A statement of the case. This statement should indicate briefly the course of the proceeding and its disposition at the administrative level and should set forth a general statement of facts. This statement of the facts shall include plaintiff's age, education, and work experience; a summary of the physical and mental impairments alleged; a brief outline of the medical evidence; and a brief summary of other evidence of record. Each statement of fact shall be supported by reference to the page in the record where the evidence may be found.
- (c) An argument. The argument may be preceded by a summary. The argument shall be divided into sections separately treating each issue and must set forth the contentions of plaintiff with respect to the issues presented and reasons therefor. Each contention must be supported by specific reference to the portion of the record relied upon and by citations to statutes, regulations, and cases supporting plaintiff's position. Cases from other districts and circuits should be cited only in conjunction with relevant cases from this jurisdiction or if authority on point from this jurisdiction does not exist. Citations to unreported district court opinions must be accompanied by a copy of the opinion. If plaintiff has moved for remand to the Secretary for further proceedings, the argument in support thereof must set forth good cause for remand. Furthermore, if the remand is for the purpose of taking additional

evidence, such evidence must be attached to the brief or, if such evidence is in the form of a consultative examination sought at government expense, plaintiff must make a proffer of the nature of the evidence anticipated to be obtained.

(d) A short conclusion stating the relief sought.

The Clerk shall give a copy of this rule to anyone filing a suit for social security benefits under 42 U.S.C. § 405(g).

So ordered, this the 28<sup>th</sup> day of August 1991.

William H. Barbour Jr.  
Chief Judge

Original order filed August 28, 1991